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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,661	01/21/2004	William Gabriel Pagan	RPS920030209US1	3392
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LAW OFFICE OF JIM BOICE 3839 Bee Cave Road Suite 201 WEST LAKE HILLS, TX 78746			EXAMINER REGO, DOMINIC E	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 04/14/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/761,661

Applicant(s)

PAGAN, WILLIAM GABRIEL

Examiner

DOMINIC E. REGO

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

1. This communication is responsive to the application filed on January 14, 2009.
Claims 19-31 are pending and presented for prosecution.
Claims 19-31 have been amended.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 21 and 27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claimed limitations " high-speed serial data port is an IEEE 1304" are not found in the specification.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 19,20,22,23,25,26,28,29, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kazuo (Japanese Publication #11-013564) in view of Akram et al. (US Pub. No. 2004/0063464) and further in view of in view of Ono et al. (US Pub. No. 2001/0044320).

Regarding claim 19, Kazuo teaches a method of optimizing wireless reception at a computer, the method comprising: coupling a cell phone to a PC card socket of a computer (See figure 1), wherein the cell phone comprises: a first component (*Figure 1, element 11*), a fixed external antenna extending away from the first component (*Figure 1, an external antenna 11d extending away from the first component 11*), a second component permanently hinged to the first component by a hinge (*Figure 1, a second component 12 permanently hinged to the first component 11*), wherein the hinge allows the first component to be selectively rotated about hinge (*See Figure 1, wherein the hinge allows the first component 11 to be selectively rotated about hinge*), a keypad in the first component, the keypad allowing entry of a telephone number to be called by the cell phone to connect to a computer network (*Paragraphs 0010 and 0016*), and a connector in the second component, the connector in the second component being adapted to be directly physically inserted into the PC card socket in the computer (*Figure 1, a connector 12 in the second component, the connector in the second component being adapted to be directly physically inserted into an existing interface port 13a in a computer 13; Paragraphs 0010-0017*), except for coupling a cell phone to a high-speed serial data port in a computer; determining if reception quality by the cell

phone is inadequate; and repositioning the first component by rotating the first component about the hinge until the fixed external antenna achieves optimal wireless communication reception.

However, in related art, Akram teaches coupling a cell phone to a high-speed serial data port in a computer (Abstract; Para. 0001,0007,0014, and claim 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Akram to Kazuo in order to exchange and/or synchronize information between the two devices (Para. 0004).

The combination of Kazuo and Akram fail to teach determining if reception quality by the cell phone is inadequate; and repositioning the first component by rotating the first component about the hinge until the fixed external antenna achieves optimal wireless communication reception.

However, in related art, Ono teaches determining if reception quality by the cell phone is inadequate; and repositioning the first component by rotating the first component about the hinge until the fixed external antenna achieves optimal wireless communication reception (*Paragraphs 0007,0018, and 0027-0028*). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Ono to Kazuo and Akram in order to achieve better quality of signal.

Regarding claims 20 and 26, the combination of Kazuo, Akram, and Ono teach all the claimed element in claims 19 and 25. In addition, Akram teaches the method/the

wireless phone, wherein high-speed serial data port is a Universal Serial Bus (USB) compliant data port (Abstract; Para. 0001,0007,0014, and claim 1).

Regarding claims 22 and 28, the combination of Kazuo, Akram, and Ono teach all the claimed element in claims 19 and 25. In addition, Akram teaches the method/the wireless phone, wherein the connector is a high-speed serial connector (Abstract; Para. 0001,0007,0014, and claim 1).

Regarding claims 23 and 29, the combination of Kazuo, Akram, and Ono teach all the claimed elements in claims 19 and 25. In addition, Akram teaches the method/the system, wherein a signal from the high-speed serial data port to the connector in the second component of the cell phone is a modulated signal (*Figure 2, Akram teaches the wireless phone 16, wherein a signal from the existing interface port 10 of the computer 8 and the connector in the second component of the cell phone 16 is a modulated signal*).

Regarding claim 25, Kazuo teaches a system for optimizing wireless reception at a computer, the system comprising: means for coupling a cell phone to a PC card socket of a computer (See figure 1), wherein the cell phone comprises: a first component (*Figure 1, element 11*), a fixed external antenna extending away from the first component (*Figure 1, an external antenna 11d extending away from the first component 11*), a second component permanently hinged to the first component by a hinge (*Figure 1, a second component 12 permanently hinged to the first component 11*), wherein the hinge allows the first component to be selectively rotated about the hinge (See Figure 1, wherein the hinge allows the first component 11 to be selectively rotated

about hinge), a keypad in the first component, the keypad allowing entry of a telephone number to be called by cell phone to connect to a computer network (*Paragraphs 0010 and 0016*), and a connector in the second component, the connector in the second component being adapted to be directly physically inserted into the PC card socket in the computer (*Figure 1, a connector 12 in the second component, the connector in the second component being adapted to be directly physically inserted into an existing interface port 13a in a computer 13; Paragraphs 0010-0017*), except for means for coupling a cell phone to a high-speed serial data port in a computer and means for determining if reception quality by the cell phone is inadequate; and means for repositioning the first component by rotating the first component about the hinge until the fixed external antenna achieves optimal wireless communication reception.

However, in related art, Akram teaches means for coupling a cell phone to a high-speed serial data port in a computer (Abstract; Para. 0001,0007,0014, and claim 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Akram to Kazuo in order to exchange and/or synchronize information between the two devices (Para. 0004).

The combination of Kazuo and Akram fail to teach means for repositioning the first component by rotating the first component about the hinge until the fixed external antenna achieves optimal wireless communication reception.

However, in related art, Ono teaches means for repositioning the first component by rotating the first component about the hinge until the fixed external antenna achieves optimal wireless communication reception (*Paragraphs 0007,0018, and 0027-0028*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Ono to Kazuo and Akram in order to achieve better quality of signal.

Regarding claim 31, Kazuo teaches a method of optimizing wireless reception at a computer, the method comprising: coupling a cell phone to a PC card socket of a computer (See figure 1), wherein the cell phone comprises: a first component (*Figure 1, element 11*), a fixed external antenna extending away from the first component (*Figure 1, an external antenna 11d extending away from the first component 11*), a second component permanently hinged to the first component by a hinge (*Figure 1, a second component 12 permanently hinged to the first component 11*), wherein the hinge allows the first component to be selectively rotated about the hinge (See Figure 1, wherein the hinge allows the first component 11 to be selectively rotated about hinge), a keypad in the first component, the keypad allowing entry of a telephone number to be called to connect to a computer network (*Paragraphs 0010 and 0016*), and a connector in the second component, the connector in the second component being adapted to be directly physically inserted into the PC card socket in the computer (*Figure 1, a connector 12 in the second component, the connector in the second component being adapted to be directly physically inserted into an existing interface port 13a in a computer 13; Paragraphs 0010-0017*), except for coupling a cell phone to a high-speed serial data port in a computer; repositioning the first component by rotating the first component about the hinge until determining the fixed external antenna achieves optimal wireless communication reception.

However, in related art, Akram teaches coupling a cell phone to a high-speed serial data port in a computer (Abstract; Para. 0001,0007,0014, and claim 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Akram to Kazuo in order to exchange and/or synchronize information between the two devices (Para. 0004).

The combination of Kazuo and Akram fail to teach repositioning the first component by rotating the first component about the hinge until determining the fixed external antenna achieves optimal wireless communication reception.

However, in related art, Ono teaches repositioning the first component by rotating the first component about the hinge until determining the fixed external antenna achieves optimal wireless communication reception (*Paragraphs 0007,0018, and 0027-0028*). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Ono to Kazuo and Akram in order to achieve better quality of signal.

6. Claims 21 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kazuo (Japanese Publication #11-013564) in view of Akram et al. (US Pub. No. 2004/0063464) in view of in view of Ono et al. (US Pub. No. 2001/0044320) and further in view of Liang (US Patent #6,776,345).

Regarding claims 21 and 27, the combination of Kazuo, Akram, and Ono fail to teach the method/the system, wherein the high-speed serial port is an IEEE 1304 compliant data port.

However, in related art, Liang teaches the method/the system, wherein the high-speed serial port is an IEEE 1304 compliant data port (See Claim 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Liang to Kazuo, Akram, and Ono in order to transfer data to other units.

7. Claims 24 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kazuo (Japanese Publication #11-013564) in view of Akram et al. (US Pub. No. 2004/0063464) in view of in view of Ono et al. (US Pub. No. 2001/0044320) and further in view of Takeuchi et al. (US Pub. No. 2002/0015442).

Regarding claims 24 and 30, the combination of Kazuo, Akram, and Ono teach all the claimed elements in claims 19 and 25. In addition, Akram teaches the method/the system, wherein a signal from the high-speed serial data port (Fig 2, item 12) to the connector in the second component of the cell phone (Fig. 2, item 16), but fails to teach is a telecommunication industry standard digital data packet which is convertible into a Transmission Control Protocol/Internet Protocol (TCP/IP) format by a mobile telephone switching office to which the signal is connected.

However, in related art, Takeuchi teaches cell phone is a telecommunication industry standard digital data packet which is convertible into a Transmission Control

Protocol/Internet Protocol (TCP/IP) format by a mobile telephone switching office to which the signal is connected (Para. 0012). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Takeuchi to Kazuo, Akram, and Ono so that the data can be properly formatted and transmit over network.

8. Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. SEE MPEP 2141.02 [R-5] VI. PRIOR ART MUST BE CONSIDERED IN ITS ENTIRETY, INCLUDING DISCLOSURES THAT TEACH AWAY FROM THE CLAIMS: A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984) *In re Fulton*, 391 F.3d 1195, 1201,73 USPQ2d 1141, 1146 (Fed. Cir. 2004). >See also MPEP §2123.

Response to Arguments

9. Applicant's arguments with respect to claims 19-31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **DOMINIC E. REGO** whose telephone number is (571)272-8132. The examiner can normally be reached on Monday-Friday, 8:30 am-5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc M. Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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